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12
13 **UNITED STATES DISTRICT COURT**
14
15 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

16 EDD KING, DIEDRE KING, and ELMO
17 SHEEN, SHEILA LEE, on behalf of
themselves and all others similarly
situated,

18 Plaintiffs,

19 v.

20 NATIONAL GENERAL INSURANCE
21 COMPANY, NATIONAL GENERAL
22 ASSURANCE COMPANY, INTEGON
23 NATIONAL INSURANCE COMPANY,
INTEGON PREFERRED INSURANCE
COMPANY, MIC GENERAL
INSURANCE CORPORATION,
PERSONAL EXPRESS INSURANCE
COMPANY, SEQUOIA INSURANCE
COMPANY, and DOES 1 through 200,
inclusive,

24 Defendants.

25 Case No.: 4:15-cv-00313-DMR Hon.
26 Donna M. Ryu

27 **SIXTH JOINT STIPULATION TO
28 AMEND THE SCHEDULING
ORDER; ORDER (AS MODIFIED)**

29 Complaint Filed: January 22, 2015

TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

3 Pursuant to Federal Rule of Civil Procedure 6(b) and Civil Local Rules 6-1(b), 7-
4 12, and 16-2, Plaintiffs EDD KING, DIEDRE KING, ELMO SHEEN, and SHEILA
5 LEE (collectively hereinafter “Plaintiffs”) and Defendants NATIONAL GENERAL
6 INSURANCE COMPANY (“NGIC”), NATIONAL GENERAL ASSURANCE
7 COMPANY (“NGAC”)¹, INTEGON NATIONAL INSURANCE COMPANY
8 (“INIC”), INTEGON PREFERRED INSURANCE COMPANY (“IPIC”), MIC
9 GENERAL INSURANCE CORPORATION (“MIC”), and PERSONAL EXPRESS
10 INSURANCE COMPANY (“PEIC”) (collectively hereinafter the “NG Defendants”)
11 hereby do jointly stipulate and agree, by and through their respective counsel of record,
12 as follows (Plaintiffs and the NG Defendants are hereinafter collectively referred to as
13 the “Parties”):

14 1. **WHEREAS**, on July 7, 2023, Plaintiffs filed their Motion for Class
15 Certification.

16 2. **WHEREAS**, on September 11, 2023, the NG Defendants filed their
17 Opposition to the Motion for Class Certification, as well as a Motion to Exclude Expert
18 Testimony and Opinions of Plaintiffs’ Experts (“NG Defendants’ Motion to Exclude”).

19 3. **WHEREAS**, on October 26, 2023, Plaintiffs filed their Reply to the NG
20 Defendants' Opposition to the Motion for Class Certification.

21 4. **WHEREAS**, on October 27, 2023, Plaintiffs filed their Opposition to the
22 NG Defendants' Motion to Exclude.

23 5. **WHEREAS**, on November 2, 2023, Plaintiffs filed a Motion to Exclude
24 Expert Testimony and Expert Opinions of E. Benjamin Nelson and a Motion to Strike
25 Declaration of Paul Braithwaite Submitted in Opposition to Class Certification
26 (“Plaintiffs’ Motions to Exclude”).

¹ NGAC has been dismissed from the action.

1 6. **WHEREAS**, on November 16, 2023, the NG Defendants filed their
2 Oppositions to Plaintiffs' Motions to Exclude.

3 7. **WHEREAS**, on November 17, 2023, the NG Defendants filed their Reply
4 to the NG Defendants' Motion to Exclude.

5 8. **WHEREAS**, on November 22, 2023, Plaintiffs filed their Replies to
6 Plaintiffs' Motions to Exclude.

7 9. **WHEREAS**, the Motion for Class Certification, the NG Defendants'
8 Motion to Exclude, and Plaintiffs' Motions to Exclude (collectively, the "Motions")
9 were all set to be heard on December 14, 2023.

10 10. **WHEREAS**, on December 12, 2023, the Court continued the hearing on
11 the Motions from December 14, 2023 to December 21, 2023.

12 11. **WHEREAS**, on December 20, 2023, the Court took the Motions off
13 calendar.

14 12. **WHEREAS**, on December 22, 2023, the Court issued an Order requesting
15 Supplemental Briefing from Plaintiffs and the NG Defendants.

16 13. **WHEREAS**, on January 10 and 17, 2024, respectively, Plaintiffs and the
17 NG Defendants filed their Supplemental Briefing pursuant to the Court's Order.

18 14. **WHEREAS**, on May 9, 2024, the Parties filed a Joint Stipulation to Amend
19 the Scheduling Order (Dkt. 418).

20 15. **WHEREAS**, on May 17, 2024, the Court amended the scheduling order
21 pursuant to the Parties' Joint Stipulation (Dkt. 419).

22 16. **WHEREAS**, the expert discovery cut-off in this case is currently
23 September 12, 2024.

24 17. **WHEREAS**, the last day for hearing dispositive motions in this case is
25 currently November 7, 2024.

26 18. **WHEREAS**, the Court has not ruled on the Motions or set a hearing date
27 on the Motions.

1 19. **WHEREAS**, to allow the Parties to conclude expert discovery and file
 2 dispositive motions after the Motions are decided, the Parties request that the deadlines
 3 for expert discovery cut-off and last day for hearing dispositive motions be extended by
 4 three months.

5 20. **WHEREAS**, this is the sixth request by the Parties to extend the case
 6 management deadlines. See Dkt. 292 (June 6, 2023 Stipulation), Dkt. 293 (Court's
 7 Order June 9, 2023), Dkt. 263 (March 12, 2023 Stipulation), Dkt. 266 (Court's Order
 8 March 14, 2023), Dkt. 393 (November 30, 2023 Stipulation), Dkt. 395 (Court's Order
 9 December 4, 2023), Dkt. 416 (March 1, 2024 Stipulation), Dkt. 417 (Court's Order
 10 March 5, 2024), Dkt. 418 (May 9, 2024 Stipulation), and Dkt. 419 (Court's Order May
 11 17, 2024). Discovery closed on May 3, 2023, and this request does not seek to extend
 12 the discovery deadline or otherwise result in any reopening of discovery. This request is
 13 made solely to afford the Parties sufficient time to account for the pending hearing and/or
 14 decision on the Motions.

15 **NOW, THEREFORE, IT IS HEREBY STIPULATED**, subject to Court
 16 approval, that the below deadlines be extended as follows:

Event	Current Date	Proposed Date
Expert discovery cut-off	9/12/2024	12/12/2024
Last day for hearing dispositive motions	11/7/2024	2/06/2025

22 Dated: 9/04/2024

23 Respectfully Submitted,

24 By: /s/ Michael F. Ram
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23 Attorneys for PLAINTIFFS and
24 Proposed Class

25 Dated: 9/04/2024

26 Respectfully Submitted,

27 By: /s/ Marc R. Jacobs
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13 CORPORATION, and PERSONAL
14 EXPRESS
15 INSURANCE COMPANY
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ATTESTATION

I, Marc Jacobs, am the ECF user whose identification and password are being used to file this Joint Stipulation and [Proposed] Order. In compliance with the ECF manual and the Civil Local Rules, I hereby attest that each of the other signatories concur in the filing of this Joint Stipulation and [Proposed] Order.

Dated: 9/04/2024

By: /s/ Marc R. Jacobs

Marc R. Jacobs

ORDER (AS MODIFIED)

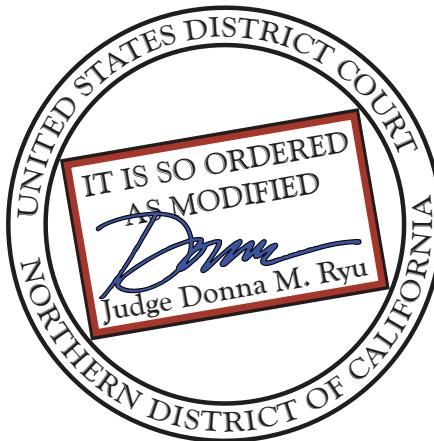
THE COURT, HAVING READ THE FOREGOING STIPULATION AND
CONSIDERED THE SAME, AND GOOD CAUSE APPEARING THEREFORE, IT
IS HEARBY ORDERED AS FOLLOWS:

The current case deadlines are extended as follows:

Event	Current Date	Proposed Date
Expert discovery cut-off	9/12/2024	12/12/2024
Last day for hearing dispositive motions	11/7/2024	2/06/2025 2/13/2025

IT IS SO ORDERED.

DATE: September 9, 2024



UNITED STATES DISTRICT COURT
MAGISTRATE JUDGE DONNA M. RYU